



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MITANI, et al. Examiner: A. M. Bertagna  
Serial No.: 10/532975 Group Art Unit: 1637  
Filed: April 28, 2005 Docket: 20078.0005USWO  
Title: PROCESS FOR AMPLIFYING NUCLEIC ACIDS

CERTIFICATE UNDER 37 C.F.R. 1.10

Express Mail mailing label number: EM 112401220 US

Date of Deposit: July 15, 2009

I hereby certify that the papers listed below are being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. 1.10 in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: Stephanie Samuel

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. The references were recently cited in a Notice of Trial against corresponding Japanese patent No. 3897805. A copy of the Notice of Trial and its English translation are enclosed. The mailing date of the Notice of Trial is January 21, 2009. Exhibits 1-7 and 10, listed on page 34 of the Notice of Trial, were previously cited by the Applicants in IDSs filed September 20, 2006, September 9, 2008, September 10, 2008, October 24, 2008 or January 12, 2009. Copies of any foreign patent documents or "Other Documents" are enclosed.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §(a)(3)):

An English translation of Reference Figures 1-4 is enclosed. A concise explanation of Reference Material 1 and Reference Material 2 can be found throughout the Notice of Trial enclosed herewith. The enclosed Trial Decision is from an invalidity trial in Japan that maintained JP 3869726. A full English translation of the cited document is enclosed. A full English translation of the enclosed Written Argument is enclosed. US 2003/0129632 corresponds to WO 01/83817. An English abstract has been included for JP 2002-186481.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

### STATEMENT

Applicants hereby state that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement

- ☐ If this box is checked, Applicant provides the following:

#### Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

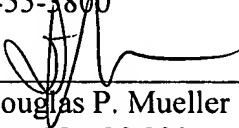
#### **FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 50-3478. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902  
Minneapolis, MN 55402  
(612) 455-3800

Dated: July 15, 2009

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk

